# CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:		Force		Discourt.	☐ U.S.
Greg Finch		Squad #14	201608620	Ø	Abuse		O.L.	☐ Injury
Incident Date(s)		Location of Incident:		F	Precinct:	18	Mo. SOL	EO SOL
Thursday, 10/13/2016 6:10 AM					114	4,	13/2018	4/13/2018
Date/Time CV Reported		CV Reported At:	How CV Reported	:	Date/Time	Rece	eived at CCI	RB
Thu, 10/13/2016 12:35 PM		CCRB	Phone		Thu, 10/13	3/201	6 12:35 PM	[
Complainant/Victim	Type	Home Addre	SS		,			
Subject Officer(s)	Shield	TaxID	Command					
1. POM Genaro Barreiro	00308	950050	WARRSEC					
2. DT3 Daniel Castillo	212	945566	WARRSEC					
3. POM Daniel Golat	09913	950506	WARRSEC					
Officer(s)	Allegati	on			Inve	estiga	tor Recon	nmendation
A.DT3 Daniel Castillo	Abuse: 1 § 87(2)(b)	Detective Daniel Castillo 8 87(2)(b) in (						
B.POM Daniel Golat	Abuse: Police Officer Daniel Golat entered \$87(2)(b) in Queens.							
C.POM Genaro Barreiro	Abuse: 1 § 87(2)(b)	Police Officer Genaro Ba	rreiro entered					
D.DT3 Daniel Castillo	Abuse: Detective Daniel Castillo searched [8 87(2)(b)] in Queens.							
E.POM Daniel Golat	Abuse: Police Officer Daniel Golat searched § 87(2)(b) in Queens.							
F.DT3 Daniel Castillo		Detective Daniel Castillo ld number to § 87(2)(b)	refused to provide	his n	name			
G.POM Daniel Golat		Police Officer Daniel Gold shield number to \$87(2)(8		le hi	s			

## **Case Summary**

On October 13, 2016, § 87(2)(b) filed a complaint via telephone with the CCRB. On October 13, 2016, at approximately 6:10 a.m. Detective Daniel Castillo, Police Officer Daniel Golat and Police Officer Genaro Barreiro of Staten Island Warrant Squad travelled in Oueens in relation to a bench warrant for \$87(2)(b) Officers knocked on the front door of the building and § 87(2)(b) answered the door and invited officers inside (Allegations A, B and C). S87(2)(b) and officers entered the residence and walked to the \$87(2)(b) apartment. Det. Castillo and PO Golat interviewed \$87(2)(b) ■ Det. Castillo and PO Golat allegedly uncles, § 87(2)(b) and § 87(2)(b) searched the \$87(2)(b) apartment to negative results (Allegations D and E). As officers left the building, § 87(2)(b) spoke with officers and allegedly asked for their names and shield numbers. Det. Castillo and PO Golat allegedly refused to provide their name and shield numbers to \$37(2)(b) (Allegations F and G). PO Barreiro provided \$37(2)(b) with his card, and officers left the building (BR 01).

No video footage was available for this incident.

## **Mediation, Civil and Criminal Histories**

- §87(2)(b) rejected mediation.
- As of December 20, 2016, there has been no Notice of Claim filed with the NYC Comptroller's office regarding this incident (BR 02).
- \$87(2)(b) and \$87(2)(b) have no prior arrests in BADS, and without a NYSID number the undersigned investigator could not perform searches for previous convictions in the Office of Court Administration database (BR 03; BR 04)

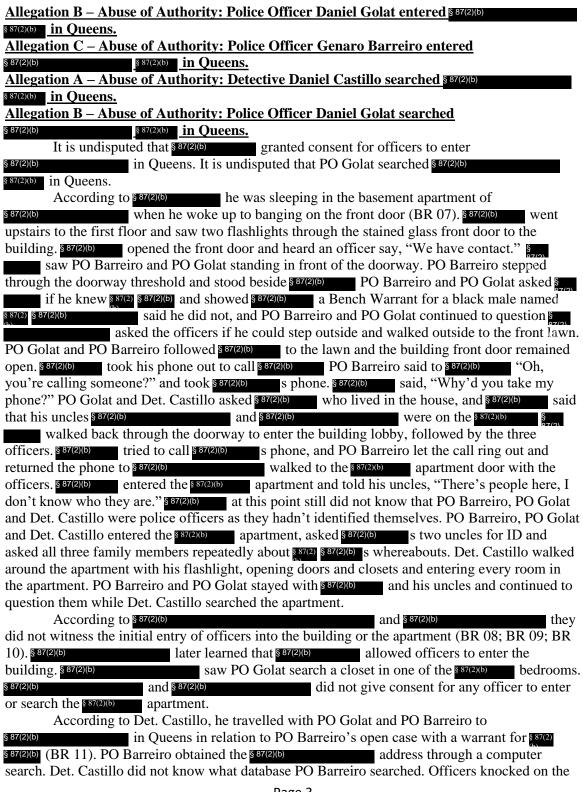
#### **Civilian and Officer CCRB Histories**

- None of the civilians have any prior CCRB complaints (BR 05; BR 06; BR 17; BR 18).
- Det. Castillo has been a member of the NYPD for eight years and has four prior complaints with nine allegations (see officer history).
  - In case #201403223, the Board substantiated premises entered and searched and property damaged allegations, and recommended Command Discipline A. The NYPD penalty was Command Discipline A.
  - In case #201502519, the Board substantiated a premises entered and searched allegation, and recommended Command Discipline B. CTS did not contain the NYPD disposition.
- PO Golat has been a member of the NYPD for five years and has five prior complaints with thirteen allegations (see officer history). §87(2)(9)
- PO Barreiro has been a member of the NYPD for five years and has nine prior complaints with twenty allegations (see officer history). § 87(2)(g)

#### **Findings and Recommendations**

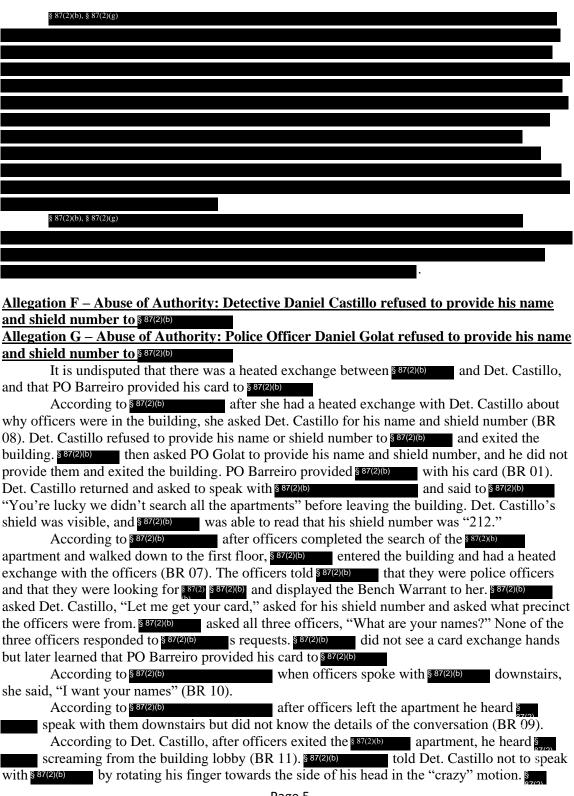
Allegation A – Abuse of Authority: Detective Daniel Castillo entered 887(2)(b) in Queens.

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front door of \$87(2)(b) are the door, and opened the door, and
officers displayed the warrant for \$87(2) \$87(2)(b) and asked if \$87(2) \$87(2)(b) lived in the building.
said no. Officers asked if to speak with the homeowners, and \$87(2)(b)
provided consent for officers to enter the building by saying, "Yes, my uncle's upstairs," and led
the officers into the building, up the stairwell and into the \$87(2)(b) apartment. \$87(2)(b)
led officers upstairs to speak with his uncles on the \$87(2)(b) apartment through the already-
open \$87(2)(b) apartment door. Det. Castillo interviewed \$87(2)(b) and \$87(2)(b)
and presented them with \$87(2) \$87(2)(6) s photo, and they told Det. Castillo that they
did not know him. Det. Castillo asked if officers could search the apartment, and \$87(2)(b)
agreed. PO Golat entered a bedroom and searched one closet, and Det. Castillo motioned
to PO Golat to stop searching. After his conversation with §87(2)(b) Det. Castillo
was satisfied that \$87(2) was not in the residence. Ten minutes after entering the \$87(2)(b)
apartment, officers exited the \$87(2)(b) and began to leave the building. Det. Castillo did not
search the §87(2)(b) apartment. Det. Castillo described the Moores' demeanor as cooperative up
to this point of the incident.
PO Golat's statement largely corroborated Det. Castillo's statement (BR 12). When asked
to describe \$87(2)(b) s demeanor at the front door, PO Golat said, "At first he seemed a little
confused, but we assured him we weren't here to hurt him or anything like that, and we explained
and he was calm the rest of the way." When officers asked if he was the homeowner, \$87(2)(b)
said he was not the homeowner, but that the homeowner §87(2)(b) was
upstairs, specifically saying, "You can come in and speak with my uncle, it's his house" while
waving the officers into the building. Beyond \$87(2)(b) s bedroom and that
bedroom closet, PO Golat entered no further bedrooms or searched further.
Consent to enter a home may be established by conduct, such as leaving a door open
while walking away from it. <u>People v. Brown</u> , 234 A.D.2d 211, 213 (1 <sup>st</sup> Dept. 1996) (BR 13).
Once it is established a valid consent has been obtained the scope of the search cannot exceed the
consent. The scope is generally determined by what a reasonable person would believe the
consent to include. People v. Farrow, 642 N.Y.S.2d 473, 475 (Kings Co. Crim. Ct. 1996) (BR
14). Where searching officers rely in good faith on the apparent capability of an individual to
consent to a search, and the circumstances reasonably indicate that the individual does, in fact,
have the authority to consent, the search will be permissible. <u>People v. Adams</u> , 72 A.D.2d 156
(1981) (BR 16).
§ 87(2)(g)
As discussed earlier, it is undisputed that [8/87(2)(b)] granted consent for officers to
enter the building and the \$87(2)(b) apartment. \$87(2)(c) \$87(2)(c)
apartment.
§ 87(2)(b), § 87(2)(g)
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the house. Det.  \$87(2)(b) said name and shield  \$87(2)(b) aske unsure if PO Go  PO Gol  exceptions and	Castillo explained why of to Det. Castillo, "I want yell number to serious and PO Barre olat or PO Barreiro providat's statement largely conadditional information (But their identification with asking for any office serious).	our name and shield num d gave \$87(2)(0) his cardiro for their names and shield their card to \$87(2)(0) roborated Det. Castillo's SR 12). In the first floor but	ed at them for wearing shoes played \$37(2) \$37(2)(5) s warrant. ber." Det. Castillo said his d. Det. Castillo was unsure if ield numbers. Det. Castillo we statement with the following iilding lobby, Det. Castillo anft the building. PO Golat dider.	/as
Squad:				
Investigator:	Signature	Print	 Date	
Squad Leader:				
~ 1 suo 2003011 .	Title/Signature	Print	Date	
Reviewer:	Title/Signature	Print		

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